

City of El Paso

Fact Sheet – Police Collective Bargaining Agreement

December 13, 2005

Background

In 2002, the City and the El Paso Municipal Police Officers Association (EPMPOA) signed a three-year collective bargaining agreement that expired on August 31, 2005. The City, pursuant to an option in the contract, extended the term of the agreement, subject to reaching a new agreement. Collective bargaining began in July 2005 and a tentative agreement was reached in October. The City's bargaining team consisted of Kenn Carr, outside counsel and lead negotiator, Chief Richard Wiles, Bill Studer, Deputy City Manager, Lupe Martinez, Assistant City Attorney and Elaine Hengen, Assistant City Attorney.

On December 2, 2005, the members of the EPMPOA voted to approve the new approximate three-year agreement, with an expiration date of August 31, 2008. The agreement is now presented to the Council.

Highlights of the Changes in the new Agreement

Wage Provision

In 2002, the parties created a system for determining wages that was based on a "market approach" analysis. Information as to the wages paid in Houston, Austin, Dallas, San Antonio, Albuquerque, Phoenix and Tucson is gathered annually, adjusted for the cost of living, and a median wage for each rank and step is calculated. El Paso's officers are then compensated at those median wage rates on September 1st of each year.

The new contract continues the "market approach" analysis with two changes. The maximum increase that would be paid under the formula is capped at 4%. The City is also able to defer the payment of any increase over 2% to the following June 1st.

Health Insurance Provision

In 2002, the parties devised a process to perform a similar market approach analysis of the various health insurance plans and costs for officers. The purpose is to ensure that officers not only receive an appropriate level of health insurance coverage, but also pay an appropriate share of the cost. The new contract continues this process and adds provisions to ensure that the parties complete the study and have it in place by the end of 2007.

Grievance Procedures and Internal Affairs Investigations Provisions

Disciplinary grievance procedures have been streamlined and some costs will be reduced.

- Appeals of disciplinary suspensions of 40 hours or less will automatically be heard by a local hearing examiner, selected from a list of five.
- Time deadlines are established to get the hearings started and completed in a timely manner.
- Either the City or the EPMPOA can elect arbitration for the lengthy suspensions and terminations.

Contract grievance procedures have been streamlined.

- Grievances will no longer be routed to a deputy chief before reaching the Chief.
- New timelines have been established to expedite the process.

Changes relating to Internal Affairs Investigations/Disciplinary Process

- An Association board member will be permitted to sit in on Internal Affairs interviews of accused officers as a silent observer.
- The Chief will be permitted to serve a notice of disciplinary action on the EPMPOA if the officer is off duty during the last five days allowed for completion of the investigation. (Generally, the contract requires disciplinary action to be taken within 180 days.)

Other Compensation and Benefits Provisions

- Expands the payment of a clothing allowance to all officers who are routinely required to wear business attire as part of their assignment. Previously, only detectives received this allowance, however, there are a few officers and supervisors in the department who are routinely required to wear business attire and they will also receive the clothing allowance (\$400 per year).
- Allows officers to take vacation leave in one-hour increments.
- The City, at its option, may develop and implement a program to buy back portions of officers' vacation leave.
- The City and the EPMPOA will meet and confer to establish a police department emergency leave pool.

Miscellaneous Administrative Provisions

- Gives the Chief the authority to adjust the work day for officers who attend certain types of training classes.
- States that the Assistant Chiefs, Deputy Chiefs, and Commanders are exempt employees for purposes of the Fair Labor Standards Act.
- Resolved the issues of compensation for officers who are called on the telephone for work-related business while off duty and for officers placed on stand-by.
- Resolved some issues pertaining to compensation of officers attending administrative hearings.
- Clarifies the provisions regarding promotion from a certified list.

- Creates a new process for the joint creation of a list of attorneys from which an officer can select an attorney to represent him or her when he or she has been sued for conduct arising out of the officer's performance of his official duties.

Q&A

Q. What pay increase will police officers receive for the current fiscal year?

A. Using the "market approach" a pay schedule was developed for this fiscal year. The increase was separately calculated for each pay grade and step, but on the average, this results in a 2.28% salary increase. Generally, the greatest percentage of increase this year will go to the rank of officer. As the Association agreed to delay the City's obligation to pay out the increase until the contract was approved, these amounts will be calculated and paid retroactively back to September 1st up to the amount of 2%. Any amount of salary increase over 2% will be deferred until June 1, 2006.

Q. Does the contract address any issues relating to the pension underfunding issue?

A. No, those issues are not part of the subject of the collective bargaining agreement. The issues relating to pension underfunding are being addressed separately.

Q. Does the contract address issues pertaining to drug testing of officers?

A. No, those issues are currently addressed by the Chief of Police through his internal policies and management prerogatives.

Adoption

As the new agreement has been approved by the EPMPOA membership, it is now presented to the City Council for approval.